



TEXAS STATE BOARD OF DENTAL EXAMINERS

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BOARD MEETING MINUTES April 15, 2011

1. **CALL TO ORDER:** Dr. Gough called the meeting of the Texas State Board of Dental Examiners (SBDE) to order at 8:31 a.m., then read the Board's Mission Statement.

2. **ROLL CALL:** Dr. Gough called the roll. It was noted for the record that a quorum was present.

a. Members Present:

Dr. Tamela Gough	Presiding Officer
Dr. Steven Austin	Member
Dr. William Birdwell	Member
Dr. James W. Chancellor	Member
Dr. Maxwell Finn	Member
Ms. Alicia Grant, RDH	Member
Ms. Whitney Hyde	Public Member
Ms. Georgiana Matz	Public Member
Dr. William Purifoy	Member
Dr. Rodolfo Ramos	Member
Dr. Russell Schlattman	Member
Mr. Arthur Troilo	Public Member

b. Members Absent:

Ms. Ann Pauli	Public Member (Excused)
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c. SBDE Staff Present:

Ms. Sherri Meek	Executive Director
Ms. Joy Sparks	General Counsel
Ms. Lisa Jones	Director of Enforcement
Ms. Brenda Kilburn	Director of Administration
Ms. Vicki Shoesmith	Assistant to the Executive Director
Ms. Nycia Deal	Staff Attorney
Ms. Victoria Pearce	Staff Attorney
Mr. Patrick Summers	Staff Attorney

A MOTION WAS MADE BY DR. FINN AND SECONDED BY DR. CHANCELLOR TO EXCUSE MS. PAULI FROM THE MEETING. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

3. **REVIEW AND APPROVAL OF MINUTES FROM THE NOVEMBER 19, 2010, BOARD MEETING.**

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY DR. AUSTIN TO APPROVE THE MINUTES AS WRITTEN. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

4. CONSENT AGENDA.

10.4.2. Agreed Settlement Orders.

A MOTION WAS MADE BY DR. FINN AND SECONDED BY MS. GRANT TO APPROVE THE AGREED SETTLEMENT ORDERS AS PRESENTED. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

5. DISCUSSION AND POSSIBLE ACTION CONCERNING APPEARANCES BEFORE THE BOARD.

5.1. Champa Rani Chatterjee, D.D.S.

Applicant seeking approval for licensure.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. FINN TO DENY THE REQUEST OF DR. CHATTERJEE. (FOR – 10 / OPPOSED – 1) MOTION CARRIES.

5.2. Charles P. Akin, D.D.S., SBDE (Revoked) Lic. #7193.

Applicant seeking approval for licensure.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY MR. TROILO TO DENY THE REQUEST OF DR. AKIN. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

5.3. Isaiah L. Harris, D.D.S., Lic., #18124.

Applicant seeking approval for licensure.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. CHANCELLOR TO APPROVE THE REQUEST OF DR. HARRIS. (FOR – 8 / OPPOSED – 3) MOTION CARRIES.

5.4. Alan Duy Nguyen, D.D.S., SBDE Lic., #18771.

Requesting Modification of SBDE Board Order #03-965-081118771.

A MOTION WAS MADE BY DR. FINN AND SECONDED BY MR. TROILO TO DENY THE REQUEST OF DR. NGUYEN. (FOR – 9 / OPPOSED – 2) MOTION CARRIES.

5.5. Roberto Ramirez, Jr., D.D.S., SBDE Lic., #17659.

Requesting Modification of SBDE Board Order dated November 9, 2007.

A MOTION WAS MADE BY DR. RAMOS TO AND SECONDED BY DR. CHANCELLOR TO MODIFY THE BOARD ORDER AND ALLOW DR. RAMIREZ TO TREAT CHILDREN LESS THAN 13 YEARS OF AGE. (FOR – 6 / OPPOSED – 4 / ABSTAIN – 1) MOTION CARRIES.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY DR. CHANCELLOR TO DENY THE REQUEST FOR MODIFICATION OF THE 12-YEAR PROBATIONARY ORDER. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

5.6. Christopher E. Knight, D.D.S., SBDE Lic., #19791.

Applicant seeking approval for licensure.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. SCHLATTMAN TO APPROVE THE REQUEST OF DR. KNIGHT. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

The Presiding Officer called for a break at 10:20 a.m. The meeting reconvened at 10:40 a.m.

6. DISCUSSION AND POSSIBLE ACTION CONCERNING REPORTS OF BOARD COMMITTEES.

- 6.1. Executive Committee Report.** Dr. Gough reported that Executive Committee met on February 8 and February 24, 2011 pursuant to Section 263.004 of the Texas Occupations Code to consider a request to temporarily suspend Texas Dental License Numbers 18953 and 8722.

Based upon evidence and information collected pursuant to a Board investigation, the continuing practice of dentistry by these Texas licensees would constitute a clear, imminent, or continuing threat to a person's physical health or well-being. Therefore the Committee unanimously voted to temporarily suspend Texas Dental License Numbers 18953 and 8722.

- 6.2. Licensing Committee Report.** Ms. Hyde reported that the Licensing Committee met via conference call on April 14, 2011 to discuss and consider Dental Risk Solutions as a Continuing Education Course Provider in accordance with SBDE Rule 104.1. The Committee voted to recommend Dental Risk Solutions to the SBDE as a Continuing Education Provider.

A MOTION WAS MADE BY MS. HYDE AND SECONDED BY DR. RAMOS TO APPROVE DENTAL RISK SOLUTIONS AS A CONTINUING EDUCATION COURSE PROVIDER IN ACCORDANCE WITH SBDE RULE 104.1 (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

7. MISCELLANEOUS REPORTS.

Dental Laboratory Certification Council (DLCC) Report. Mr. Gary Morgan reported that the DLCC met on April 8, 2011 in conjunction with the Dental Laboratory Association Texas meeting in Houston, Texas. At this meeting the Council discussed outsourcing dental laboratory products, unregistered laboratories working in the State as well as the annual registration process. Mr. Morgan also reported on House Bill 3371, relating to the exemption of registered dental laboratories from certain distributing and manufacturing licensing requirements.

Discuss and consider the reappointment of DLCC Members.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY MS. GRANT TO REAPPOINT MR. BRADY BRADLEY, C.D.T., AND MS. BRENDA SAUNDERS, C.D.T., TO THE DENTAL LABORATORY CERTIFICATION COUNCIL FOR A TWO-YEAR TERM. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

8. MISCELLANEOUS REPORTS.

- 8.1. Professional Recovery Network (PRN) Report.** Ms. Courtney Bolin, LMSW, Program Director of PRN, submitted a report on completed and future projects and announced that PRN hired Ms. Emily Able, LMSW, in April 2011.
- 8.2. Western Regional Examining Board (WREB) Report.** Dr. Austin reported on the WREB Board of Directors meeting held on January 29, 2011, in Phoenix, AZ.

9. DISCUSSION AND POSSIBLE ACTION REGARDING RULES.

- 9.1. For discussion and consideration of proposed amended rule in 22 Texas Administrative Code § 108.8 (Records of the Dentist).**

This matter was Tabled pending further discussion.

9.2. For discussion and consideration of adoption of repealed and new rules in 22 Texas Administrative Code:

9.2.1. Discussion and consideration of adopting repeals in 22 Tex. Admin Code:

- §108.30 – Effective Date.
- §108.31 – Definitions.
- §108.32 – Minimum Standard of Care, Anesthesia.
- §108.33 – Sedation/Anesthesia Permit.
- §108.34 – Permit Requirements and Clinical Provisions.
- §108.35 – Authority to Demonstrate Anesthesia.
- §110.1 – Definitions.
- §110.2 – Permit.
- §110.3 – Permit Requirements and Clinical Provisions.
- §110.4 – Effective Date.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. SCHLATTMAN TO ADOPT, WITHOUT CHANGES, THE REPEAL OF RULES 108.30 – 108.35 AND 110.1 – 110.4 AND PUBLISH THE ADOPTED REPEALED RULES IN THE TEXAS REGISTER. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

9.2.2. Discussion and consideration of adopting new rules in 22 Tex. Admin. Code:

Chapter 110 – Anesthesia and Sedation:

- §110.1 – Definitions.
- §110.2 – Sedation/Anesthesia Permit.
- §110.3 – Nitrous Oxide/Oxygen Inhalation Sedation.
- §110.4 – Minimal Sedation.
- §110.5 – Moderate Sedation.
- §110.6 – Deep Sedation or General Anesthesia.
- §110.7 – Portability.
- §110.8 – Provisional Anesthesia and Portability Permits.
- §110.9 – Anesthesia Permit Renewal.

A MOTION WAS MADE BY DR. BIRDWELL AND SECONDED BY DR. CHANCELLOR TO ADOPT, WITHOUT CHANGES, NEW RULES 110.1 – 110.9 AND PUBLISH THE ADOPTED NEW RULES IN THE TEXAS REGISTER. (FOR – 10 / OPPOSED – 1) MOTION CARRIES.

10. AGENCY DIVISION ACTIVITY REPORTS.

10.1. Administration Division. Ms. Kilburn presented the Fiscal Year Budget Report.

10.2. Licensing Division.

a. Parenteral Anesthesia Permit Applications.

A MOTION WAS MADE BY DR. FINN AND SECONDED BY MS. HYDE TO APPROVE 29 ANESTHESIA PERMITS PRESENTED. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

b. Licensing Division Report. Ms. Meek presented Licensing statistics through the Second Quarter of FY 2011.

10.3. Enforcement Division. Ms. Jones presented the Case Aging and Monthly Activity Report.

10.4. Legal Division.

10.4.1. Division Report.

10.4.2. Administrative Law Judge (ALJ) Proposals for Decision – State Office of Administrative Hearings (SOAH).

10.4.2.a. Docket No. 504-10-1618, Syed M. Haider, DDS, Texas Dental License Number 20079.

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-10-1618.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-10-1618, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. FINN TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED, AND ISSUE A WARNING ON TEXAS DENTAL LICENSE #20079 ISSUED TO SYED M. HAIDER. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

10.4.2.b. Docket No. 504-10-4101, Sidney L. Smith, DDS, Texas Dental License Number 15093.

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-10-4101.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-10-4101, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE MS. HYDE AND SECONDED BY DR. CHANCELLOR TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED, AND ISSUE A REPRIMAND ON TEXAS DENTAL LICENSE #15093 ISSUED TO SIDNEY L. SMITH. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

10.4.2.c. Docket No. 504-10-3346, Anthony Herron, DDS, Texas Dental License Number 21006.

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-10-3346.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-10-3346, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. RAMOS AND SECONDED BY MS. GRANT TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED AND REVOKE TEXAS DENTAL LICENSE #21006 ISSUED TO ANTHONY HERRON. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

10.4.2.d. Docket No. 504-10-4824, Xavier Leos, DDS, Texas Dental License Number 19943.

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-10-4824.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-10-4824, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY MS. HYDE TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED, AND ISSUE A REPRIMAND ON TEXAS DENTAL LICENSE #19943 ISSUED TO XAVIER LEOS. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

10.4.2.e. Docket No. 504-11-1176, Richard Montoya, DDS, Texas Dental License Number 11282.

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-11-1176.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-11-1176, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY MR. TROILO AND SECONDED BY DR. RAMOS TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED, AND REVOKE TEXAS DENTAL LICENSE #11282 ISSUED TO RICHARD MONTOYA. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

10.4.2.f. Docket No. 504-10-1613, Jonathon C. McIntosh, DDS, Texas Dental License Number 14876.

- Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 504-10-1613.
- Consideration of Staff's Recommendations for Disposition of Docket No. 504-10-1613, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.

A MOTION WAS MADE BY DR. AUSTIN AND SECONDED BY DR. FINN TO ACCEPT THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD AS PRESENTED, AND ISSUE A PROBATED SUSPENSION FOR FIVE YEARS ON TEXAS DENTAL LICENSE #14876 ISSUED TO JONATHON C. MCINTOSH. (FOR – 10 / OPPOSED – 0 / ABSTAIN - 1) MOTION CARRIES.

10.4.3. C- Settlement Orders.

- Aguilar, Lorena, RDA Applicant
- Ahmadi, Mahin, DDS# 19145
- Autrey, Ricky D., DDS# 15886
- Bagby, Rodger D., DDS# 11977
- Bay, Terry M., RDH# 6666
- Beck, Robert L., DMD# 7913
- Beougher, Ritchie D., DDS# 13836
- Bohmfalk, Christian, DDS# 11785
- Chilton, James C., DDS# 12420
- Chu, Bryan, DDS# 22749
- Coats, Matthew J., DDS# 15970
- Dayton, Brian C., DDS# 13857
- Ervin, Scott A., DDS# 16341
- Esfandiari, Soroush, DDS# 20196
- Espili, Nooshin, B., DDS# 18118
- Fernandes-Morais, Maria N., DDS# 21650
- Fletcher, Sandra M., RDA # 2244
- Freeman, Larry E., DDS# 11395
- Garcia-Morales, Nelia, DDS# 20718
- Garza, John M. DDS# 15983
- Grinspan, Johnny R., DDS# 20582
- Guitierrez, Timothy A., DDS# 23353
- Hageman, David J., DDS# 8184
- Hausenfluck, Denise, DDS# 18077
- Herzog, Clinton F., DDS# 20239
- Hevrin, Kathy S., DDS# 17931
- Hobbs, Kelly, DDS# 18953
- Hodges, Elmer T., DDS# 9593
- Jackson, Eric V., DDS# 20318
- King, John W., DDS# 15249
- Kol, Pheng P., DDS# 18351
- Knight, Christopher E., DDS# 19791
- Kouyoumdjian, Raffy, DDS# 23066
- Lazar, Dale, DDS# 22393
- Lykos, Tammy L., DDS# 16856
- Mardock, John R., DDS# 14093
- McDaniel, Barbara G., DDS# 8698
- McDonald, Anne R., RDA Applicant
- Mecca, Cheryl, DDS# 17037
- Mueller, Kenneth R., DDS# 17296
- Nguyen, Kiet D., DDS# 18139
- Nguyen, Tuyet T., DDS# 20507
- Norris, Donald G., DDS# 7312
- Oliver, Brianna B., DDS# 21852
- Paris, Fredrick A., Dental License Applicant
- Phillips, Gary C., DDS# 12483
- Pomeroy, Henry B., DDS# 12688
- Purtle, Denise, RDH# 12902
- Robinson, Thomas K., DDS# 6921
- Rudd, Laurence H., DDS# 7780
- Rushin, Jennelle, C., DDS# 19546
- Samani, Fatemeh, DDS# 16598
- Shedlosky, Michael, DDS# 21134
- Simpson, Horace E., DDS# 17162
- Slack, Donica, DDS# 22309
- Stephenson, Mark W., DDS# 16226
- Stuart, Claudette R., DDS# 15371
- Swilley, William H., DDS# 9391
- Tannich, Timothy W., DDS# 12245
- Temesgen, Netsanet, DDS# 22538
- Thammasithiboon, Prasith, DDS# 21600
- Truong, Terri, DDS# 21905
- Trusler, Bruce H., DDS# 18494
- Vadivel, Kumar T., DDS# 21292
- Vargas, Oscar A., DDS# 15374
- Vieyra, Arturo A., Dental License Applicant
- Whitefield, Michael A., DDS# 17383
- Woodard, Lance E., DDS# 17833

11. NOMINATIONS FROM BOARD MEMBERS FOR THE POSITION OF BOARD SECRETARY AND ELECTION OF BOARD SECRETARY.

Dr. Gough opened the floor for declarations from Board Members interested in serving as Secretary.

Dr. Schlattman nominated Dr. Steven Austin to serve as Secretary.

WITHOUT OBJECTION DR. STEVEN AUSTIN IS ELECTED TO THE POSITION OF BOARD SECRETARY BY ACCLAMATION. (FOR – 11 / OPPOSED – 0) MOTION CARRIES.

12. EXECUTIVE DIRECTOR'S REPORT. Ms. Meek reported on the Legislative Session. She also reminded Board Members of the deadline to file their Personal Financial Statement to the Texas Ethics Commission. She also stated that appointments to the Board are forthcoming and that User Acceptance Testing with Versa and work with Neubus is on-going.

13. PRESIDING OFFICER'S REPORT. Dr. Gough reported that a committee assignments and a new Ad-hoc committee will be developed to review advertising rules once appointments to the Board are announced.

It was noted for the record that Dr. Purifoy departed the meeting at 11:30 a.m.

14. PUBLIC COMMENTS.

Dr. Gough announced the format then invited participation from the audience. Speakers included: Dr. James F. Fuselier, Dr. Matt Roberts, Ms. Gwen Mitchell, Dr. Susan Paoloski, Mr. Leonard Bronik, Ms. Pam Grunwald, Mr. Kevin Tran, Dr. Mark Stankewitz; Mr. David Wasson, Ms. Connie Sonnier.

15. MISCELLANEOUS.

Future Tentatively Scheduled Meetings:

- Committee Meetings - June 16, 2011.
- Board Meeting - June 17, 2011.

16. ADJOURN.

A MOTION WAS MADE BY DR. CHANCELLOR AND SECONDED BY DR. FINN TO ADJOURN THE MEETING AT 12:14 P.M. (FOR – 10 / OPPOSED – 0) MOTION CARRIES

- SIGNED -

TAMELA L. GOUGH, D.D.S., M.S.
Presiding Officer
Texas State Board of Dental Examiners

August 5, 2011

- SIGNED -

STEVEN J. AUSTIN
Board Secretary
Texas State Board of Dental Examiners

August 5, 2011